

**United States District Court
District of South Dakota**

Office of the Clerk
Room 302, Federal Building
515 Ninth Street
P. O. Box 6080
Rapid City, SD 57709-6080

Joseph Haas
Clerk of Court

Telephone
(605) 342-3066

November 26, 2007

FILED

12-3-07
DEC - 3 2007

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

Ms. Laura Springer
Deputy Clerk
United States District Court
Northern District of Illinois
219 South Dearborn Street
Chicago, IL 60604

Re: USA v. John H. Frye
CR. 06-50067-01

07 CR 766

Dear Clerk:

Initial Final Transfer Out

Enclosed is a certified copy of the Probation Form 22 initiating the transfer to your district. Please return an original to this office after jurisdiction has been accepted. When received, we will forward certified copies of the pertinent documents to you.

Final Transfer Out

X Enclosed is the Probation Form 22 transferring the jurisdiction from the District of South Dakota to your District. Also enclosed are certified copies of the charging document, Judgment and Commitment Order, and docket sheet. The Financial Case Inquiry Report will be forwarded to you by our Sioux Falls office.

Transfer Out

Enclosed is the Probation Form 22 indicating our court has accepted jurisdiction. Please forward certified copies of the Probation Form 22, charging document, Judgment and Commitment Order, Financial Case Inquiry Report and Docket Sheet for only this defendant.

Rule 5 (formerly Rule 40) Removal Proceedings


Enclosed is a certified copy of all documents filed in our court.

Rule 20

Enclosed is a certified copy of the docket sheet, charging instrument, and the Consent to Transfer Pursuant to Rule 20.

Please acknowledge receipt of these documents by returning a copy of the enclosed letter.

Sincerely,


Jeana F. Holso
Deputy Clerk

CLOSED

**U.S. District Court
District of South Dakota (Western Division)
CRIMINAL DOCKET FOR CASE #: 5:06-cr-50067-KES All Defendants
Internal Use Only**

Case title: USA v. Frye

Date Filed: 08/24/2006

Date Terminated: 08/27/2007

Assigned to: Chief Judge Karen E.
Schreier

Defendant

John H. Frye (1)

TERMINATED: 08/27/2007

represented by **James L. Jeffries**

Jeffries Law Office

816 6th St.

Rapid City, SD 57701

348-2527

Email:

jimjeffrieslaw@midconetwork.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

18 U.S.C. 228(a)(3) FAILURE TO
PAY LEGAL CHILD SUPPORT
(1)

18 U.S.C. 228(a)(3) FAILURE TO
PAY LEGAL CHILD SUPPORT
(1s-2s)

Disposition

Disposed

5 yrs probation; \$200 SVAF and
\$59,274.53 restitution

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

Disposition

UNITED STATES OF AMERICA }
DISTRICT OF SOUTH DAKOTA }
I, JOSEPH HAAS, Clerk of the United
States District Court for the District of
South Dakota, hereby certify that the
above and foregoing is a true copy of
the original now on file in my office.

Dated: *November 26, 2007*

JOSEPH HAAS, Clerk

By *James L. Jeffries*
Deputy

None

Plaintiff

USA

represented by **Carolyn G. Olson**

U.S. Attorney's Office
Rapid City Office
515 Ninth St.
Room 201
Rapid City, SD 57701
342-7822
Email: Carolyn.Royce@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jan Leslie Holmgren

U.S. Attorney's Office (Sioux Falls, SD)
PO Box 3303
Sioux Falls, SD 57101-3303
330-4400
Fax: 330-4410
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Wright

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Fax: 330-4410
Email: Thomas.Wright2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/24/2006	<u>1</u>	SEALED INDICTMENT as to John H. Frye (1) count(s) 1. (Sealed to protect name of Grand Jury Foreperson.) (SST,) (Entered: 08/24/2006)
08/24/2006	<u>2</u>	REDACTED Indictment as to John H. Frye. (Redacted to protect name of Grand Jury Foreperson.) (SST,) (Entered: 08/24/2006)
08/24/2006	<u>3</u>	CRIMINAL Cover Sheet as to John H. Frye. (SST,) (Entered: 08/24/2006)
08/24/2006	<u>4</u>	Warrant Issued in case as to John H. Frye. (SST,) (Entered: 08/24/2006)

08/31/2006	3	Arrest of John H. Frye in Northern District of Illinois. (SST,) (Entered: 09/14/2006)
09/14/2006	4	Rule 5(c)(3) Documents Received as to John H. Frye. (Documents received: Docket Sheet, Affidavit of Indictment in Removal Proceedings, Minutes - Initial Appearance, Appearance Form, Order Setting Conditions of Release, Appearance Bond.) (SST,) (Entered: 09/14/2006)
09/27/2006	5	Arrest of John H. Frye. (SST,) (Entered: 09/27/2006)
09/27/2006	5	Minute Entry for proceedings held before Judge Marshall P. Young: Arraignment as to John H. Frye (1) Count 1 held on 9/27/2006. Plea Entered: Not Guilty. Detention Hearing as to John H. Frye held on 9/27/2006. Initial Appearance as to John H. Frye held on 9/27/2006. Defendant released. (Court Reporter FTR.) (SST,) (Entered: 09/27/2006)
09/27/2006	6	ORDER Setting Conditions of Release as to John H. Frye as to John H. Frye (1) Personal Recognizance. Signed by Judge Marshall P. Young on 9/27/06. (SST,) (Entered: 09/27/2006)
09/27/2006		(Court only) ***Thirty-day minimum time to trial started/restarted as to John H. Frye. (SST,) (Entered: 09/27/2006)
09/27/2006	7	Attorney update in case as to John H. Frye. Attorney James L. Jeffries for John H. Frye added. (BBH,) (Entered: 09/28/2006)
09/28/2006	7	STIPULATION AND ORDER re handling and disposition of discovery materials as to John H. Frye Signed by Judge Karen E. Schreier on 9/28/2006. (BBH,) (Entered: 09/28/2006)
09/28/2006	8	(Court only) Confirmation of mailing 7 NOE to Jim Jeffries (BBH,) (Entered: 09/28/2006)
09/28/2006	9	STANDING ORDER as to John H. Frye. Motions due by 11/21/2006. Pretrial Conference set for 12/4/2006 11:00 AM before Chief Judge Karen E. Schreier. Jury Trial set for 12/5/2006 09:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 09/28/06. (KC,) (Entered: 09/28/2006)
10/18/2006	10	SUPERSEDING INDICTMENT as to John H. Frye (1) count(s) 1s-2s. (BBH,) (Entered: 10/19/2006)
10/18/2006	11	CRIMINAL Cover Sheet as to John H. Frye (BBH,) (Entered: 10/19/2006)
10/20/2006		Warrant Issued on Superseding Indictment in case as to John H. Frye. (BBH,) (Entered: 10/20/2006)
10/25/2006	12	Warrant Returned Unexecuted in case as to John H. Frye. (SST,) (Entered: 10/25/2006)
11/02/2006	13	NOTICE OF ATTORNEY APPEARANCE Carolyn G. Royce appearing for USA. (Royce, Carolyn) (Entered: 11/02/2006)
11/07/2006	14	MOTION for Continuance pursuant to 18:3161 by John H. Frye. (BBH,)

		(Entered: 11/07/2006)
11/08/2006	<u>15</u>	ORDER granting <u>14</u> Motion for Continuance pursuant to 18:3161 as to John H. Frye (1). Motions due by 1/2/2007. Jury Trial set for 1/16/2007 09:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 11/08/2006. (KC,) (Entered: 11/08/2006)
01/08/2007	<u>16</u>	MOTION for Continuance pursuant to 18:3161 by John H. Frye. (BBH) (Entered: 01/08/2007)
01/09/2007	<u>17</u>	ORDER granting <u>16</u> Motion for Continuance pursuant to 18:3161 as to John H. Frye (1). Motions due by 2/27/2007, Pretrial Conference set for 3/12/2007 02:30 PM before Chief Judge Karen E. Schreier, Jury Trial set for 3/13/2007 09:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 1/9/07. (KC) (Entered: 01/09/2007)
01/09/2007	<u>18</u>	(Court only) ***Excludable(s) stopped as to John H. Frye (JLH) (Entered: 01/09/2007)
02/28/2007	<u>18</u>	MOTION for Continuance pursuant to 18:3161, filed by John H. Frye. (SST) (Entered: 02/28/2007)
03/01/2007	<u>19</u>	ORDER granting <u>18</u> Motion for Continuance pursuant to 18:3161 as to John H. Frye (1). Motions due by 4/10/2007, Pretrial Conference set for 4/23/2007 09:30 AM before Chief Judge Karen E. Schreier, Jury Trial set for 4/24/2007 09:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 3/1/2007. (KC) (Entered: 03/01/2007)
04/17/2007	<u>20</u>	MOTION for Continuance pursuant to 18:3161 by John H. Frye. (JLH) (Entered: 04/18/2007)
04/19/2007	<u>21</u>	ORDER granting <u>20</u> Motion for Continuance pursuant to 18:3161 as to John H. Frye (1). Plea Agreement due by 5/4/2007. Plea hearing scheduled for 5/30/2007 at 9 a.m. Signed by Judge Karen E. Schreier on 4/19/2007. (KC) (Entered: 04/19/2007)
04/19/2007	<u>22</u>	Set/Reset Deadlines/Hearings as to John H. Frye: Plea Agreement due by 5/4/2007; Change of Plea Hearing set for 5/30/2007 09:00 AM in RC 3rd Floor Courtroom before Chief Judge Karen E. Schreier. (JLH) (Entered: 04/25/2007)
05/11/2007	<u>22</u>	SCHEDULING ORDER as to John H. Frye. Plea and Sentence set for 6/18/2007 11:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 5/11/2007. (KC) (Entered: 05/11/2007)
05/17/2007	<u>23</u>	AMENDED ORDER SCHEDULING PLEA AND SENTENCING as to John H. Frye. Plea and Sentence set for 6/18/2007 at 11:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 5/17/2007. (KC) (Entered: 05/17/2007)
06/07/2007	<u>24</u>	CONSENT to Waiver of 35 Day Waiting Period and Speedy Trial Rights, signed by John H. Frye. (SST) (Entered: 06/07/2007)
06/07/2007	<u>25</u>	PLEA AGREEMENT as to John H. Frye. (SST) (Entered: 06/07/2007)

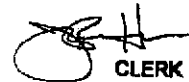
06/07/2007	26	STATEMENT Of Factual Basis as to John H. Frye. (SST) (Entered: 06/07/2007)
06/14/2007	27	SCHEDULING ORDER as to John H. Frye. Plea and Sentence set for 7/23/2007 10:00 AM before Chief Judge Karen E. Schreier. Signed by Judge Karen E. Schreier on 6/14/2007. (KC) (Entered: 06/14/2007)
06/21/2007	28	MOTION (Stipulation) for Continuance of Sentencing Hearing pursuant to 18:3161 by John H. Frye and USA as to John H. Frye. (BBH) (Entered: 06/21/2007)
06/21/2007	29	ORDER granting 28 Motion for Continuance pursuant to 18:3161 as to John H. Frye (1). Plea and sentence scheduled for Monday, August 27, 2007, at 11 a.m. Signed by Judge Karen E. Schreier on 6/21/2007. (KC) (Entered: 06/21/2007)
06/21/2007		Set/Reset Hearings as to John H. Frye: Change of Plea Hearing set for 8/27/2007 at 11:00 AM in RC 3rd Floor Courtroom before Chief Judge Karen E. Schreier. (JLH) (Entered: 06/21/2007)
08/27/2007	30	Minute Entry for proceedings held before Judge Karen E. Schreier :Change of Plea Hearing as to John H. Frye held on 8/27/2007. Plea Entered: Guilty Counts: I & II of the Superseding Indictment, Sentencing as to John H. Frye held on 8/27/2007 for John H. Frye (1), Count 1, Disposed; Counts 1s-2s, 5 yrs probation; \$200 SVAf and \$59,274.53 restitution. (Court Reporter Judy Thompson.) (JLH) (Entered: 08/27/2007)
08/27/2007	31	JUDGMENT AND COMMITMENT as to John H. Frye (1), Count(s) 1, Disposed; Count(s) 1s-2s, 5 yrs probation; \$200 SVAf and \$59,274.53 restitution Signed by Judge Karen E. Schreier on August 27, 2007. (JLH) (Entered: 08/27/2007)
08/27/2007		(Court only) ***Case Terminated as to John H. Frye (JLH) (Entered: 08/27/2007)
08/29/2007	32	AMENDED JUDGMENT as to John H. Frye (1), Count(s) 1, Disposed; Count(s) 1s-2s, 5 yrs probation; \$200 SVAf and \$59,274.53 restitution Signed by Judge Karen E. Schreier on August 29, 2007. (JLH) (Entered: 08/29/2007)
09/05/2007	33	NOTICE OF ATTORNEY APPEARANCE Jan Leslie Holmgren appearing for USA. (BBH) (Entered: 09/05/2007)
09/07/2007	34	CJA 20 as to John H. Frye: Appointment of Attorney James L. Jeffries for John H. Frye. Signed by Judge Karen E. Schreier. (JLH) (Entered: 09/07/2007)
10/17/2007	35	CJA 20 as to John H. Frye: Authorization to Pay James L. Jeffries. Amount: \$ 2,723.86, Voucher # 07-10-17-000-088. Signed by Judge Karen E. Schreier (JLH) (Entered: 10/17/2007)
11/26/2007	36	Transfer of Jurisdiction of Probation to Northern District of Illinois as to John H. Frye. Transmitted Transfer of Jurisdiction form, with certified

		copies of indictment, judgment and docket sheet. (JLH) (Entered: 11/26/2007)
11/26/2007	37	LETTER transferring documents to the Northern District of Illinois(JLH) (Entered: 11/26/2007)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

OCT 18 2006


CLERK

UNITED STATES OF AMERICA,

CR 06-50067

Plaintiff,

SUPERSEDING INDICTMENT

vs.

Failure to Pay Legal Child Support

JOHN H. FRYE,

18 U.S.C. § 228(a)(3)

Defendant.

The Grand Jury charges:

COUNT ONE

From on or about December 1, 2002, and continuing to the present, in Jackson County, in the District of South Dakota, defendant, John H. Frye, while residing in a different state with respect to his minor child, Shane M. Ring, who resides in South Dakota, willfully and unlawfully failed to pay a past due support obligation, as ordered by the Seventh Judicial Circuit, Pennington County, South Dakota, and which obligation is in an amount greater than \$10,000.00 in violation of 18 U.S.C. § 228(a)(3).

COUNT TWO

From on or about December 1, 2002, and continuing to the present, in Pennington County, in the District of South Dakota, defendant, John H. Frye, while residing in a different state with respect to his minor child, Caleb A. Morford, who resides in South Dakota, willfully

and unlawfully failed to pay a past due support obligation, as ordered by the Seventh Judicial Circuit, Pennington County, South Dakota, and which obligation is in an amount greater than \$10,000.00 in violation of 18 U.S.C. § 228(a)(3).

A TRUE BILL:

MARTY J. JACKLEY
UNITED STATES ATTORNEY

By: 

UNITED STATES OF AMERICA
DISTRICT OF SOUTH DAKOTA
I, JOSEPH HAAS, Clerk of the United States District Court for the District of South Dakota, hereby certify that the above and foregoing is a true copy of the original now on file in my office.

Dated: *November 26, 2007*

JOSEPH HAAS, Clerk

By: 

Deputy

FILED

AUG 27 2007

UNITED STATES DISTRICT COURT

District of South Dakota, Western Division

UNITED STATES OF AMERICA

V.

JOHN H. FRYE

JUDGMENT IN A CRIMINAL CASE  CLERKCase Number: 5:06-CR-050067-001

USM Number:

James L. Jeffries

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to counts I and II of the Superseding Indictment.
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 228(a)(3)	FAILURE TO PAY LEGAL CHILD SUPPORT	10/18/2006	I
18 U.S.C. § 228(a)(3)	FAILURE TO PAY LEGAL CHILD SUPPORT	10/18/2006	II

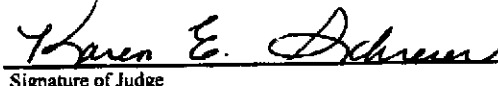
The defendant is sentenced as provided in this judgment. The sentence is imposed pursuant the statutory and constitutional authority vested in this court.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

August 27, 2007

Date of Imposition of Judgment



Signature of Judge

Karen E. Schreier, Chief Judge

Name and Title of Judge

August 27, 2007

Date

UNITED STATES OF AMERICA } SE
DISTRICT OF SOUTH DAKOTA }

I, JOSEPH HAAS, Clerk of the United States District Court for the District of South Dakota, hereby certify that the above and foregoing is a true copy of the original now on file in my office.

Dated: September 26, 2007

JOSEPH HAAS, Clerk

By  Deputy

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

PROBATION

The defendant is hereby sentenced to probation for a term of five (5) years.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not consume any alcoholic beverages or frequent establishments whose primary business is the sale of alcoholic beverages, except for the purposes of his work.
2. The defendant shall submit a sample of blood, breath, or urine at the discretion or upon the request of the probation office.
3. The defendant shall submit to a warrantless search of his person, residence, or vehicle, at the discretion of the probation office.
4. The defendant shall participate in a program approved by and at the direction of the probation office for treatment of substance abuse, which will include testing to determine if defendant has reverted to the use of alcohol or drugs.
5. The defendant undergo inpatient/outpatient psychiatric or psychological treatment, as directed by the probation office, and comply with mental health treatment and take any prescription medication as deemed necessary by his treatment provider.
6. The defendant shall reside and participate in a community corrections facility program as directed by the probation office. The defendant shall be classified as a prerelease case.
7. The defendant shall provide the probation office with access to any requested financial information.
8. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
9. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office unless the defendant is in compliance with any payment schedule established.
10. The defendant shall pay restitution as ordered by the Court.
11. The defendant shall establish a payment agreement for current and past due child support obligations with the appropriate State Court and shall maintain monthly child support.

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

Judgment - Page 3 of 4

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ Waived	\$ 59,274.53

- ☐ The determination of restitution is deferred until .
An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority Or Percentage</u>
South Dakota Office of Child Support Enforcement	\$30,913.46	\$30,913.46	
South Dakota Office of Child Support Enforcement	\$28,361.07	\$28,361.07	

TOTALS \$ 59,274.53 \$ 59,274.53

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☒ the interest requirement is waived for the ☐ fine ☒ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 SVA is due immediately. Restitution in the amount of \$59,274.53 shall be paid
- ☐ not later _____, or
- ☒ in accordance ☒ C, ☐ D, ☐ E, or ☐ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ F below); or
- C ☒ Payment in equal monthly installments of \$700, to commence 30 days after the date of this judgment; or
- D ☐ Payment in equal weekly (e.g., weekly, monthly, or quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment of the criminal monetary penalties shall be due in regular quarterly installments of of the deposits in the defendant's inmate trust account while the defendant is in custody. Any portion of the monetary obligation(s) not paid in full prior to the defendant's release from custody shall be due in monthly installments of , such payments to begin, days following the defendant's release; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Number (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs

UNITED STATES DISTRICT COURT

District of South Dakota, Western Division

UNITED STATES OF AMERICA

VS.

JOHN H. FRYE

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 5:06-CR-050067-001

*USM Number: 18951-424

James L. Jeffries

Defendant's Attorney

Date of Original Judgment: August 27, 2007

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

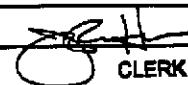
- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court ☐ 28 U.S.C. § 2255 or
☐ 18 U.S.C. § 3559(c)(7)
- ☐ Modification of Restitution Order (18 U.S.C. § 364)

FILED

AUG 29 2007

THE DEFENDANT:

- ☒ pleaded guilty to counts I & II of the Superseding Indictment.
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.


CLERK

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 228(a)(3)	FAILURE TO PAY LEGAL CHILD SUPPORT	10/18/2006	I
18 U.S.C. § 228(A)(3)	FAILURE TO PAY LEGAL CHILD SUPPORT	10/18/2006	II

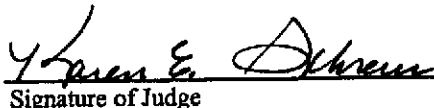
The defendant is sentenced as provided in this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 27, 2007

Date of Imposition of Judgment


Signature of Judge

Karen E. Schreier, Chief Judge

Name and Title of Judge

August 29, 2007
Date

UNITED STATES OF AMERICA } ss
DISTRICT OF SOUTH DAKOTA }
I, JOSEPH HAAS, Clerk of the United States District Court for the District of South Dakota, hereby certify that the above and foregoing is a true copy of the original now on file in my office.
Dated: November 26, 2007
JOSEPH HAAS, Clerk
By James L. Jeffries
Deputy

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

PROBATION

The defendant is hereby sentenced to probation for a term of: five (5) years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court as well as with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not consume any alcoholic beverages or frequent establishments whose primary business is the sale of alcoholic beverages, except for the purposes of his work.
2. The defendant shall submit a sample of blood, breath, or urine at the discretion or upon the request of the probation office.
3. The defendant shall submit to a warrantless search of his person, residence, or vehicle, at the discretion of the probation office.
4. The defendant shall participate in a program approved by and at the direction of the probation office for treatment of substance abuse, which will include testing to determine if defendant has reverted to the use of alcohol or drugs.
5. The defendant undergo inpatient/outpatient psychiatric or psychological treatment, as directed by the probation office, and comply with mental health treatment and take any prescription medication as deemed necessary by his treatment provider.
6. The defendant shall reside and participate in a community corrections facility program as directed by the probation office. The defendant shall be classified as a prerelease case.
7. The defendant shall provide the probation office with access to any requested financial information.
8. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
9. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office unless the defendant is in compliance with any payment schedule established.
10. The defendant shall pay restitution as ordered by the Court.
11. The defendant shall establish a payment agreement for current and past due child support obligations with the appropriate State Court and shall maintain monthly child support.

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ Waived	\$ 59,274.53

☐ The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
South Dakota Office of Child Support Enforcement	30,913.46	30,913.46	
South Dakota Office of Child Support Enforcement	28,361.07	28,361.07	
TOTALS	\$ 59,274.53	\$ 59,274.53	

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

■ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

■ the interest requirement is waived for ☐ fine ■ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JOHN H. FRYE
CASE NUMBER: 5:06-CR-050067-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- 0** ■ Lump sum payment of *\$ 200.00 SVAF is due immediately. Restitution in the amount of \$59,274.53 shall be paid
- ☐ not later than _____, or
☒ in accordance with ■ C ☐ D ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ■ Payment in equal monthly installments of \$ 700.00, to commence 30 days after the date of this judgment; or
- D** ☐ Payment in equal weekly (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment of the criminal monetary penalties shall be due in regular quarterly installments of of the deposits in the defendant's inmate trust account while the defendant is in custody. Any portion of the monetary obligation(s) not paid in full prior to the defendant's release from custody shall be due in monthly installments of , such payments to begin,
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PROB 22
(Rev. 2/88)

TRANSFER OF JURISDICTION

DOCKET NUMBER (Trans. Court)
06-50067-01

DOCKET NUMBER (Rec. Court)

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:

John H FRYE

JUDGE KENNELLY

DISTRICT

SOUTH DAKOTA

DIVISION

WESTERN

NAME OF SENTENCING JUDGE

Honorable Karen E. Schreier

DATES OF PROBATION:

FROM

08/27/2007

TO

08/26/2012

07CR 766
MAGISTRATE JUDGE KEYS

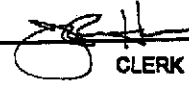
OFFENSE

2 counts of Failure to Pay Child Support 18 U.S.C. § 228

FILED

NOV 26 2007

PART 1 - ORDER TRANSFERRING JURISDICTION

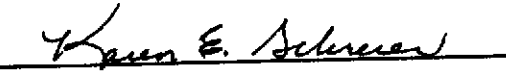

CLERK

UNITED STATES DISTRICT COURT FOR THE WESTERN DIVISION OF THE DISTRICT OF SOUTH DAKOTA

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Northern District of Illinois upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*

November 1, 2007

Date


Chief Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

NOV 13 2007

Effective Date


United States District Judge

RECEIVED

NOV 15 2007 CM

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA
DISTRICT OF SOUTH DAKOTA
I, JOSEPH HAAS, Clerk of the United States District Court for the District of South Dakota, hereby certify that the above and foregoing is a true copy of the original now on file in my office.

Dated: November 26, 2007

By 
Deputy

NOV 19 2007
LAURA SPURGE
CLERK, U.S. DISTRICT COURT
DISTRICT OF ILLINOIS